



# THE PRINCE GEORGE'S COUNTY GOVERNMENT

BOARD OF ZONING APPEALS

BOARD OF ADMINISTRATIVE APPEALS

COUNTY ADMINISTRATION BUILDING, UPPER MARLBORO, MARYLAND 20772  
TELEPHONE (301) 952-3220

## *NOTICE OF FINAL DECISION*

## *OF BOARD OF APPEALS*

RE: Case No. V-27-20 Rams Group, LLC

Enclosed herewith is a copy of the Board Order setting forth the action taken by the Board of Appeals in your case on the following date: April 28, 2021

## **CERTIFICATE OF SERVICE**

This is to certify that on June 30, 2021, the above notice and attached Order of the Board were mailed, postage prepaid, to all persons of record.

A handwritten signature in black ink, appearing to read "Barbara J. Stone".

Barbara J. Stone  
Administrator

cc: Petitioner  
Adjoining Property Owners  
M-NCPPC, Permit Review Section  
DPIE/Building Code Official, Permitting

**BEFORE THE BOARD OF APPEALS FOR PRINCE GEORGE'S COUNTY, MARYLAND**  
*Sitting as the Board of Zoning Appeals*

Petitioner: Rams Group, LLC

Appeal No.: V-27-20

Subject Property: Lot 20 and P/O Lot 19, Block 10, Mount Rainier Funkhousers 32<sup>nd</sup> Street Addition  
Subdivision, being 3710 34<sup>th</sup> Street, Mount Rainier, Prince George's County, Maryland

Municipality: Town of Mount Rainier

Counsel for Petitioner: Bradley Farrar, Esq., Shipley and Horn

Witnesses: John Ferrante, Sr. Land Planner/Paralegal, Shipley and Horn  
Marvin Ramirez, Rams Group, President

Spanish Language Interpreter: Ruben Sotogomez

Heard: March 24, 2021; Decided: April 28, 2021

Board Members Present and Voting: Bobbie S. Mack, Chairperson  
Albert C. Scott, Vice Chairman  
Anastasia T. Johnson, Member

**RESOLUTION**

This appeal is brought before the Board of Appeals, sitting as the Board of Zoning Appeals for the Maryland-Washington Regional District in Prince George's County, Maryland (the "Board"), requesting variances from the strict application of the provisions of Subtitle 27 of the Prince George's County Code (the "Zoning Ordinance").

In this appeal, a proceeding pursuant to Section 27-229 of the Zoning Ordinance, Petitioner(s) request(s) that the Board approve a variance from Section 27-442(b)(Table I) prescribes that each lot shall have a minimum net lot area of 5000 square feet. Section 27-442(d)(Table III) prescribes that each lot shall have a minimum width of 50 feet measured along the front street line. Section 27-442(e)(Table IV) prescribes that each lot shall have a front yard at least 25 feet in depth and a side yard at least 5 feet in width (Footnote 22). Section 27-442(c)(Table II) prescribes that not more than 30% of the net lot area shall be covered by buildings and off-street parking. Petitioner proposes to validate existing conditions (Net Lot Area, Front Building Line, Front and Side Yards) and obtain a building permit for the proposed construction of 2<sup>nd</sup> floor addition. Variances of 1,427 square feet net lot area, 11 feet front building line width, 13 feet front yard depth, 2 feet side yard width and 9.4% net lot coverage are requested.

**Evidence Presented**

The following testimony and record evidence were considered by the Board:

1. The property was subdivided in 1924, contains 3,573 square feet, is zoned R-55 (One-Family Detached Residential), and is improved with a single-family dwelling, driveway, covered front porch and shed (to be removed). It consists of Lot 19 and part of Lot 20. Exhibit (Exhs.) 3, 4, 5, 7, 8 and 9 (A) thru (G).

2. Petitioner proposes to validate existing conditions (Net Lot Area, Front Building Line, Front and Side Yards) and obtain a building permit for the proposed construction of a 2<sup>nd</sup> floor addition. The existing structure was built in 1926, does not meet certain current zoning regulations and its location on the lot must be validated. Specifically, because the minimum allowable net lot area is 5000 square feet, the subject lot requires a variance of 1,427 square feet. The front building line width minimum is 50 feet and a variance of 11 feet is needed. Pertaining to the preexisting location of the house, the front yard depth is minimum of 25

feet in depth, requiring a variance of 13 feet. The left-side yard width is required to be 5 feet, requiring a variance of 2 feet on the south property line. Lastly, the net lot area is currently over the maximum allowable percentage of 30%, necessitating the request for a variance of 9.4%. Exhs. 3, 4, 5, 7, 8 and 9 (A) thru (G).

3. John Ferrante testified that the subject property was originally platted on January 25, 1924 and consists of 3,573 square feet. He stated that the existing structure is currently 1,140 square foot dwelling and is one of the few one-story single-family dwellings remaining in the immediate area. The abutting properties to the north and south are developed with existing two-story attached single-family dwellings. Exhs. 2, 3, 4 and 6 (A) thru (F).

4. He stated that Petitioner has applied for County Building Permit No. 6067-2020-RUW for the following construction: a 2<sup>nd</sup> floor residential addition with a bathroom; renovation of the basement to include a bathroom; the renovation of the 1<sup>st</sup> floor with a bathroom and kitchen; and conversion of a back-storage area to a ground floor deck. He further stated that through permit review, it was determined that in order to issue the permit, variances must be obtained.

5. He noted that the proposed addition is going straight up over the existing footprint of the dwelling. He informed the Board that several features, including the shed, concrete sidewalk, and a patio, will be removed from the property. Exhs. 2, 3, 4 and 6 (A) thru (F)

6. John Ferrante continued that the property has exceptional shape as its width varies from 25 feet at its narrowest point to approximately 40 feet at its widest point. He also opined that the subject property also has exceptional shallowness. Exh. 2.

7. He noted that the requirements of Section 27-442 of the Zoning Ordinance were not in place at the time the plat was recorded in 1924 or when the dwelling was constructed in 1926.

8. He testified that the existing one-story bungalow is currently out of place with the style of homes in the neighborhood. He explained that the existing dwelling is very small, and the proposed second-story addition is "badly" needed. He concluded that not allowing the requested variances would create practical difficulties or exceptional undo hardship on the owner as it would not permit the Petitioner to improve the property consistent with properties both directly across 34<sup>th</sup> Street as well as in the surrounding neighborhood. Exhs. 2, 3, 4 and 6 (A) thru (F).

9. The City of Mount Rainier recommended approval **of** the proposed variances. Exh. 23.

#### Applicable Code Section and Authority

Section 27-230 of the Zoning Ordinance authorizes the Board to grant variances when, by reason of exceptional narrowness, shallowness, shape, topography, or other extraordinary situation or condition of specific parcels of property, the strict application of the Zoning Ordinance would result in peculiar and unusual practical difficulties or an exceptional or undue hardship upon the owner of the property, provided such relief can be granted without substantial impairment of the intent, purpose and integrity of the General Plan or Master Plan.

#### Findings of the Board

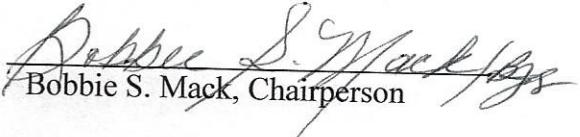
After hearing all the testimony and reviewing the evidence of record, the Board finds that the requested variance complies with the applicable standards set forth in Section 27-230, more specifically:

Due to the property being subdivided and dwelling constructed prior to the Zoning Ordinance, the property has exceptional shape, and the character of the neighborhood, granting the relief requested would not substantially impair the intent, purpose and integrity of the General Plan or Master Plan, and denying the request would result in a peculiar and unusual practical difficulty upon the owner of the property.

BE IT THEREFORE RESOLVED, unanimously, that variances of 1,427 square feet net lot area, 11 feet front building line width, 13 feet front yard depth, 2 feet side yard width and 9.4% net lot coverage in order to validate existing conditions (Net Lot Area, Front Building Line, Front and Side Yards) and obtain a building permit for the proposed construction of 2<sup>nd</sup> floor addition. on the property located at 3710 34<sup>th</sup> Street, Mount Rainier, Prince George's County, Maryland, be and are hereby APPROVED. Approval of the variances is contingent upon development in compliance with the approved site plan, Exhibit 3 and approved elevation plan, Exhibit 4.

BOARD OF ZONING APPEALS

By:

  
Bobbie S. Mack, Chairperson

NOTICE

Within thirty (30) days from the date of this decision, any person, firm, corporation, or governmental agency who was a party to the Board's proceedings and is aggrieved by its decision may file an appeal to the Circuit Court of Prince George's County.

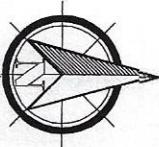
Further, Section 27-233(a) of the Prince George's County Code states:

A decision of the Board, permitting the erection of a building or structure, shall not be valid for more than two (2) years, unless a building permit for the erection is obtained within this period and the construction is started and proceeds to completion in accordance with the terms of the decision and the permit.

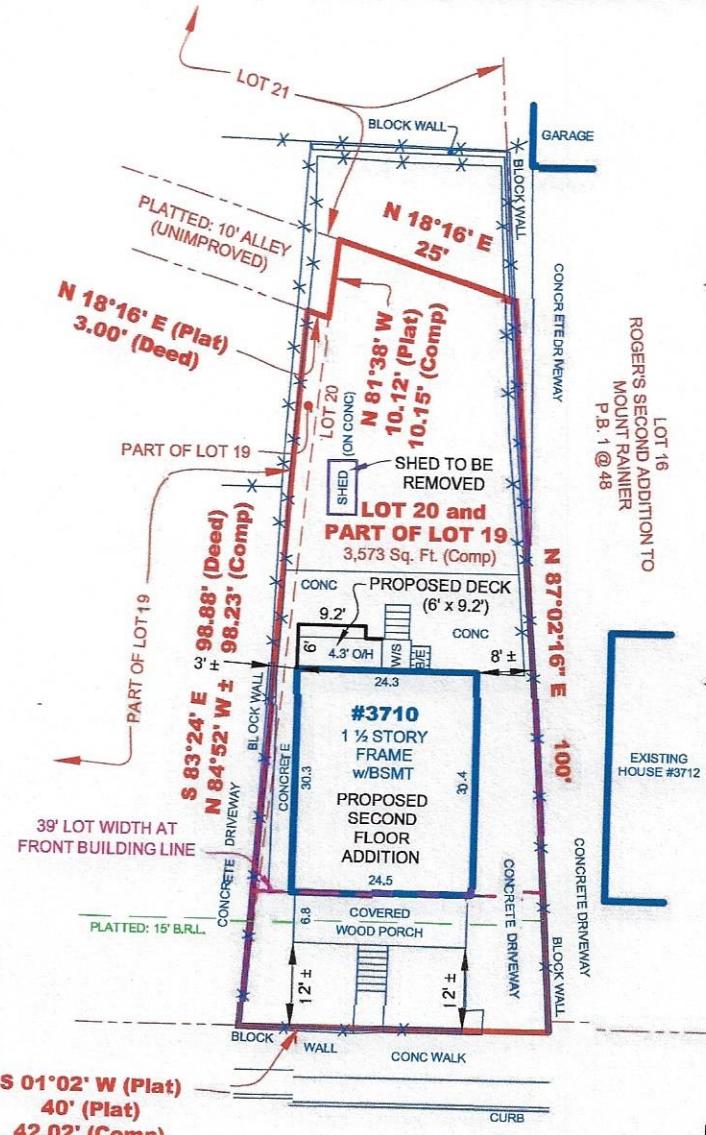
**BOARD OF APPEALS**

APR 28 2021  
APPROVED

ADMINISTRATOR



EXH. # 3  
V-27-20



# 34<sup>TH</sup> STREET

THE LEVEL OF ACCURACY OF DISTANCES TO APPARENT PROPERTY LINES IS:

LOCATION DRAWING OF:  
**#3710 34TH STREET**  
**Lot 20 and Part of Lot 19, Block 10**  
Funkhouser's Thirty Second Street Addition to  
**MOUNT RAINIER**  
PLAT BOOK 2, PLAT 75  
PRINCE GEORGE'S COUNTY, MARYLAND  
SCALE: 1"=20' DATE: 11-16-2020  
DRAWN BY: JCW FILE #, 201698-200



**LEGEND:**

- FENCE
- BASEMENT ENTRANCE
- BAY WINDOW
- BRICK
- BLDG. RESTRICTION LINE
- BASEMENT
- WOOD STOOP
- CONCRETE
- DRIVEWAY
- FRAME
- MACADAM
- OVERHANG
- PUBLIC USE BY ESTATE

**COLOR KEY:**

RED)	- RECORD INFORMATION
BLUE)	- IMPROVEMENTS
GREEN)	- ESMTS & RESTRICTION LINES

HEIGHT:

23 FOOT ± AT EAVE  
26 FOOT ± (MAX) AT HIGHEST PEAK  
(BASED ON ARCHITECTURAL  
DRAWING, SHEET A.500, SECTION A,  
AS PROVIDED BY OTHERS)

A Land Surveying Company

**DULEY**  
and  
Associates, Inc.

Serving D.C. and MD

14604 Elm Street, Upper Marlboro, MD 20772

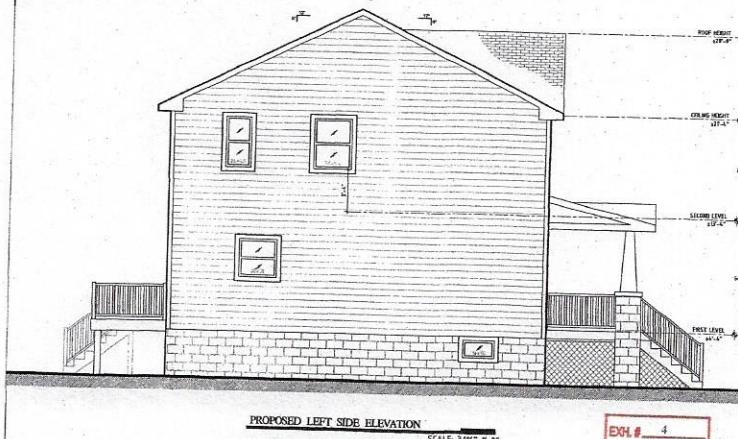
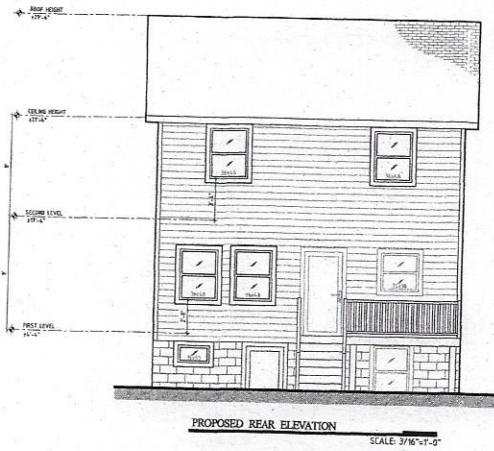
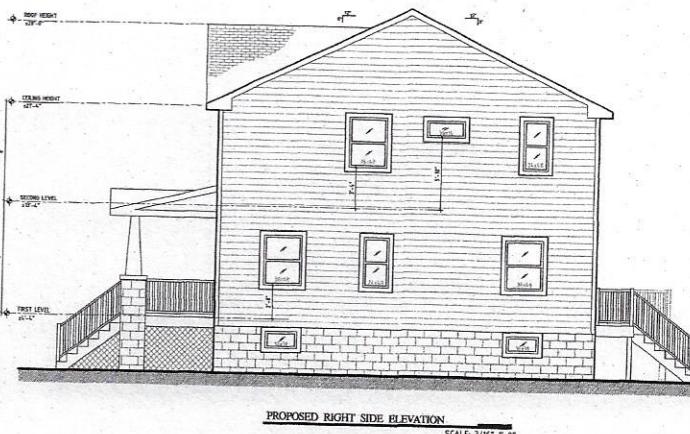
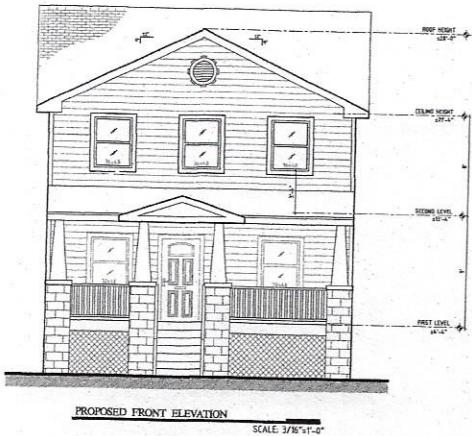
Phone: 301-888-1111 Fax: 301-888-1114  
Email: [orders@dulley.biz](mailto:orders@dulley.biz) On the web: [www.dulley.biz](http://www.dulley.biz)

**SURVEYOR'S CERTIFICATE**

I HEREBY STATE THAT I WAS IN RESPONSIBLE CHARGE OVER THE PREPARATION OF THIS DRAWING AND THE SURVEY WORK REFLECTED HEREIN AND IT IS IN COMPLIANCE WITH THE REQUIREMENTS SETFORTH IN REGULATION 12 CHAPTER 08.13.06 OF THE CODE OF MARYLAND SURVEYING REGULATIONS. THIS SURVEY IS NOT TO BE USED OR RELIED UPON FOR THE ESTABLISHMENT OF FENCES, BUILDINGS, OR OTHER IMPROVEMENTS, THIS PLAT DOES NOT PROVIDE FOR THE ACCURATE IDENTIFICATION OF PROPERTY BOUNDARIES. INDEED, ITS IDENTIFICATION MAY NOT BE REQUIRED FOR THE TRANSFER OF TITLE OR SECURING FINANCING OR REFINANCING. THE DRAWING IS INTENDED TO A CONSUMER ONLY, INSOFAZ IS AS REQUIRED BY A LENDER OR A TITLE INSURANCE COMPANY, OR ITS AGENT, IN CONNECTION WITH THE CONTEMPLATED TRANSFER, FINANCING OR REFINANCING. NO TITLE REPORT WAS FURNISHED BY THIS COMPANY. SAID PROPERTY SUBJECT TO ALL NOTES, RESTRICTIONS AND EASEMENTS OF RECORD. BUILDING RESTRICTION LINES AND EASEMENTS MAY NOT BE SHOWN ON THIS SURVEY. IMPROVEMENTS WHICH IN THE SURVEYORS OPINION APPEAR TO BE IN A STATE OF DISPAIR OR MAY BE CONSIDERED "TEMPORARY" MAY NOT BE SHOWN. IF IT APPEARS ENCROACHMENTS MAY EXIST, A BOUNDARY SURVEY IS RECOMMENDED.

LICENSE EXPIRATION DATE: 12-23-2021

**DULEY & ASSOC.**  
WILL GIVE YOU A 100%  
FULL CREDIT TOWARDS  
UPGRADING THIS  
SURVEY TO A  
"BOUNDARY/STAKE"  
SURVEY FOR ONE  
YEAR FROM THE DATE  
OF THIS SURVEY.



9815 SUDLEY MANOR DR  
MANASSAS, VA  
571-591-5776  
www.hdesignbuild.com

ISSUED FOR REVIEW:  
1.9.2020

© 2020 ALL RIGHTS RESERVED. ALL DRAWINGS AND SPECIFICATIONS ARE THE PROPERTY AND COPYRIGHT OF H DESIGN BUILD, LLC.

ADDITIONS & ALTERATIONS  
TO  
MARTINEZ'S RESIDENCE  
3710 34TH STREET  
MOUNT RAINIER, MD

ARCHITECTURAL  
DRAWINGS

PROPOSED  
ELEVATIONS

A.400

## BOARD OF APPEALS

APPROVED APR 28 2021

*B. Stone*  
ADMINISTRATOR